

May 11, 2012

Melissa L. Hunt
2590 W. Hillside Drive
Anderson CA 96007

Your Request for Advice
Our file No. A-12-069

Dear Ms. Hunt:

This letter responds to your request for advice regarding the disclosure provisions of the Political Reform Act (the "Act").¹

QUESTION

Is the receipt of travel expenses as described below prohibited by the Act and if not, how are they to be reported, if at all, on your Statement of Economic Interests (SEI or Form 700)?

CONCLUSION

The travel expenses you describe are not prohibited by the Act's gift limits and should be reported on your Form 700 as income.

FACTS

You are a member of the Anderson City Council. You are also an Enrichment Coordinator for Senior Citizens in Redding, California at a retirement community. One of the residents, Edna Stanley, is an 87 year-old visually impaired woman who has asked you to be her travel companion in order for you to assist as her visual assistant. She has offered to pay for all of your travel expenses in exchange for your serving as her visual assistant. She wishes to travel, but is unable to do so as a single, vision-impaired, elderly person.

Ms. Stanley is retired and does not live in, or do business in the jurisdiction in which you were elected. The monetary value of the traveling you do with Ms. Stanley will most likely

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

exceed the Act's \$420.00 limit. During the proposed trip, you will be reading to her from everything from directional signs to restaurant menus and assisting her as she walks. You would like to know if you may accept this payment under the Act and, if so, how it should be reported on your Form 700.

ANALYSIS

Section 82028 defines a gift as:

“...any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.”

From the facts you have provided, the purpose of your travel is to assist Ms. Stanley with her visual needs while she is traveling, and that she would not be able to travel without such assistance. As you will be providing a service to her, the payment for travel expenses is considered income to the extent that it is equal to the consideration you are providing in exchange for the travel payment. The amount you receive for your assistance in this regard should therefore be reported as income on your Form 700.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: William J. Lenkeit
Senior Commission Counsel
Legal Division

WJL:jgl